

REMARKS/ARGUMENTS

Claims 1, 5, 7, 9 - 12, 14 - 17 and 19 have been amended. Claims 2, 13, 18, 20 and 21 have been cancelled without prejudice. Claims 1, 3 -12, 14 - 17, and 19 remain in the application.

The claims were objected to because the numbering of claims is not in accordance with 37 CFR §1.126. Applicant has amended the claims such that original claim 9 (1) is now claim 9, original claim 9 (2) is now amended claim 10, original claim 10 is now amended claim 11, original claim 11 is now amended claim 12, original claim 12 is now amended claim 13, original claim 13 is now amended claim 14, original claim 14 is now amended claim 15, original claim 15 is now amended claim 16, original claim 16 is now amended claim 17, original claim 17 is now amended claim 18, original claim 18 is now amended claim 19, original claim 19 is now amended claim 20, original claim 20 is now amended claim 21. Therefore, Applicant has amended the claims to present correct numbering in accordance with 37 CFR §1.126. Therefore, it is respectfully submitted that the claims overcome the objection under 37 CFR §1.126 and is respectfully requested that the objection be removed.

Claims 17 and 20 were rejected under 35 U.S.C. §112 first paragraph as failing to comply with the enablement requirement. Applicant has cancelled claim 18 and claim 21 which correspond to original claims 17 and 20 without prejudice. Therefore, the rejection as to original claim 17 and 20 under 35 U.S.C. §112 first paragraph has become moot.

Original claims 1 - 4, 6, 11 - 16, 18 and 19 were rejected under 35 U.S.C. §102 (b) as being anticipated by Vodopyanov (6,360,574). Applicant respectfully traverses this rejection.

U.S. Patent No. 6,360,574 to Vodopyanov discloses a fillet rolling work roller cage.

In contra distinction, claim 1, as amended, claims a tool for deep rolling an elongate work piece comprising a tool housing, a shaft mounted in the housing and a back up roller arranged about the shaft and rotatably supported thereon. The tool also has a two-piece work roll cage secured to the housing and retaining at least one work roll rotatable against the backup roller. The cage is positioned in a recessed formed in an end of the tool housing.

Vodopyanov does not disclose, teach, suggest or anticipate the present invention of claim 1, as amended. Specifically, Vodopyanov does not disclose a tool for deep rolling an elongate work piece having a two piece roll cage secured to the housing and retaining at least one work roll rotatable against the back up roller wherein the cage is positioned in a recessed formed in an end of the tool housing. Nowhere does Vodopyanov disclose, teach or suggest the limitation as described above. The only roll cages disclosed in Vodopyanov are secured to the housing by cage retainers. Furthermore, the only housing disclosed in Vodopyanov has a flat edge and end. Nowhere is it disclosed in Vodopyanov to have a cage that is positioned in a recessed that

is formed in an end of the tool housing. Vodopyanov only discloses a tool housing with a flat end or edge adjacent to the work rolls. Therefore, Vodopyanov does not disclose, teach or suggest the use of a recessed portion in the end of a tool housing for having a cage positioned therein. Thus, this limitation cannot be inferred or read into such reference without a particular teaching therein. Hence, it is respectfully submitted that Vodopyanov '574 fails to disclose all of the limitations claimed by Applicant in claim 1, as amended. Therefore, it is respectfully submitted that claim 1, as amended, and the claims dependent therefrom, overcome the rejection under 35 U.S.C. § 102(b) and are allowable over this rejection.

Original independent claim 11 now amended claim 12 was amended in a manner similar to that for independent claim 1. Therefore, original independent claim 11 now amended claim 12 is allowable for the same reasons given above for independent claim 1, as amended. Hence, it is respectfully submitted that original claim 11, now amended claim 12, and the claims dependent therefrom overcome the rejection under 35 U.S.C. § 102(b) and are allowable over this rejection.

Original independent claim 18, now amended claim 19 claims an apparatus for deep rolling a workpiece comprising a tool housing, a shaft extending in the housing, a roller arranged about the shaft and supported thereon. The apparatus also comprises at least one work roll rotating against the shaft, a first and second cage member defining a set of cage members and a plurality of opposed sets of cage members secured to the housing, each of the sets of the cage members retaining one of the at least one work rolls.

Vodopyanov '574 does not disclose, teach, suggest or anticipate the present invention of original claim 18, now amended claim 19. Specifically, Vodopyanov does not disclose an apparatus for deep rolling a work piece comprising first and second cage members which define a set of cage members. Furthermore, Vodopyanov does not disclose a plurality of opposed sets of cage members secured to the housing, where in each of the sets of cage members retaining one of the at least one work rolls. Nowhere does Vodopyanov disclose, teach or even suggest any of the limitations that are described above. Vodopyanov only discloses a first and second cage wherein a first and second work roll is arranged within the cages. Nowhere does Vodopyanov disclose, teach or suggest using a plurality of opposed sets of cage members wherein each set of cage members retain only one of the at least one work rolls of the apparatus according to the claimed invention, Hence, it is respectfully submitted Vodopyanov '574 fails to disclose all of the limitations claimed by Applicant in original claim 18 now amended claim 19. Therefore, it is respectfully submitted that claim 19, as amended, overcomes the rejection under 35 U.S.C. § 102(b) and is allowable over this rejection.

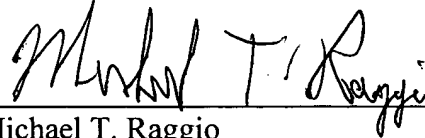
Claims 5, 7, 8, original claim 9 (1) now amended claim 9, original claim 9 (2) now amended claim 10 and original claim 10 now amended claim 11 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Dependent claims 5, 7, 9, and 10 have been rewritten in independent form. Therefore, it is respectfully submitted that claims 5 and 7 through 11, are now in a condition for allowance.

If the Applicant can be of any further assistance or provide any other information in the prosecution of this application, the Examiner is requested to call the undersigned at 248-364-2100.

Respectfully Submitted,

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